

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
MULLAH BAKHSH GHULAM	:	
MOHAMMAD SALEH,	:	22 Cr. 161 (VEC)
	:	
Defendant.	:	
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WHEREAS, on or about March 15, 2022, MULLAH BAKHSH GHULAM MOHAMMAD SALEH, (the “Defendant”), was charged in an Indictment, 22 Cr. 161 (VEC) (the “Indictment”), with narcotics importation conspiracy, in violation of Title 21, United States Code, Section 963 and Title 18, United States Code, Section 3238 (Count One); narcotics distribution for importation, in violation of Title 18, United States Code, Sections 959(a), 959(d), 960(a)(3), 960(b)(1)(A), and 963 and Title 18, United States Code, Sections 2 and 3238 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts One and Two of the Indictment, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about July 2, 2024, the Defendant pled guilty to a lesser included offense contained in Count One of the Indictment, pursuant to a plea agreement with the

Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, a sum of money equal to \$35,049 in United States currency, representing any and all property constituting or derived from any proceeds the Defendant obtained directly or indirectly, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$35,049 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Edward Y. Kim, Acting United States Attorney, Assistant United States Attorney Kaylan E. Lasky, of counsel, and the Defendant and his counsel, Tamara Lila Giwa, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$35,049 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to in the offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MULLAH

BAKHSI GHULAM MOHAMMAD SALEH, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38<sup>th</sup> Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.


6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

EDWARD Y. KIM  
Acting United States Attorney for the  
Southern District of New York


By:   
KAYLAN E. LASKY  
Assistant United States Attorney  
26 Federal Plaza  
New York, NY 10278  
(212) 637-2315

January 8, 2025  
DATE

MULLAH BAKHSH GHULAM MOHAMMAD SALEH

By:   
MULLAH BAKHSH GHULAM  
MOHAMMAD SALEH

1/8/25  
DATE

By:   
TAMARA LILA GIWA, ESQ.  
Attorney for Defendant  
52 Duane Street, 10<sup>th</sup> Floor  
New York, NY 10007

1/8/25  
DATE

SO ORDERED:

  
HONORABLE NAME VALERIE E. CAPRONI  
UNITED STATES DISTRICT JUDGE

1-8-25  
DATE